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plaintiff, if entitled to recover at all, may recover on the same grounds damages measured by the same rule as if the action had been brought by decedent in his lifetime.

Where a parent sues for damages resulting from the death of a minor child, evidence of the value of the child's services until it attained its majority, is admissible, though the recovery is not necessarily limited to the value of such services. *Pierce v. Conners*, 20 Col. 178. Where damages are claimed for the death of a child incapable of earning anything, or rendering service of any value, the value of its probable future service to the parent during its minority is a matter of conjecture, and may be determined by the jury without the testimony of witnesses. *Little Rock Ry. Co. v. Barker and Wife*, 39 Ark. 491. Evidence that the father required the services of his little child in order to maintain his household, was competent upon the question of damages. In this case the father recovered damages for death of seven-year old daughter. *Pressman v. Mooney*, 5 App. Hun., 121 (N. Y.).

DIVORCE—DEFENSE—IMPLIED CONNIVANCE.—*DELANEY v. DELANEY*, 65 ALT. 217 (N. J.).—The plaintiff introduced his friend to the defendant and in the friend's presence charged her with adultery; subsequently by his acts and omissions, the plaintiff exposed his wife to the temptation of adultery with said friend and then alleging adultery to have occurred brought suit for divorce. *Held*, For a single act of adultery by a wife, a divorce will not be granted to a husband, who either connived at such act, or, in legal contemplation, consented to it. *Gummere C. J.*, and *Pitney*, *Swayze*, *Reed*, *Vroom* and *Green*, *J. J.*, *dissenting*.

The absence of due precaution may amount to criminal negligence on the part of the husband where the wife previous to marriage was seduced by her husband, and after marriage warnings in regard to the wife's conduct, calculated to excite his vigilance were given and no steps taken by him in consequence. *Dillon v. Dillon*, 3 Curt. Eccl. 86. A wife may plead the fact of cohabitation when single, with the husband, in order to show a want of proper vigilance on his part over her subsequent moral conduct. *Graves v. Graves*, 3 Curt. Eccl. 235. Where husband and wife by mutual consent separated after marriage the husband was deemed guilty of willful neglect conducing to his wife's adultery. *Hawkins v. Hawkins*, 54 L. J. P. and Adm. 94. A husband who seduces his wife before marriage, and after marriage sees her in a situation of temptation and does nothing to rescue her, and she yields, will be understood as having consented to her adultery. *Cane v. Cane*, 39 N. J. Eq. 140. If a husband knows of his wife's weakness, he is called upon to exercise peculiar vigilance and if he sees what a reasonable man could not see without alarm, and makes no effort to avert the danger, he must be supposed to see and mean the result. *Hedden v. Hedden*, 21 N. J. Eq. 61.

DIVORCE—DESERTION.—*FOOTE v. FOOTE*, 65 ATL. 205 (N. J.). Where a husband separated from his wife with her consent which was later withdrawn, and he made no proffers to resume marital relations. *Held*, to constitute desertion it is not necessary that the intent should have been formed at the time the party left home, but it is sufficient if he afterwards determines to desert, and persists in such determination—*Pitney*, *Swayge*, and *Green*, *J. J.*, *dissenting*.

Separation and intention to abandon must concur in order to constitute a ground for divorce. But they need not be synchronous. *Pinkard v. Pink-*